



TOWN OF TYNGSBOROUGH

Office of the Board of Selectmen

Town Offices

25 Bryants Lane

Tyngsborough, MA 01879

Tel: (978) 649-2300 Ext. 100 | Fax: (978) 649-2320

Board of Selectmen Meeting Minutes

APPROVED

Monday, October 21, 2013 at 6:00 P.M.

Community Room, Town Offices, 25 Bryants Lane

Members Present: Selectman Rick Reault, Selectwoman Karyn Puleo, Selectman Robert Jackson, Selectman Allen Curseaden, Selectman Corliss Lambert.

Staff Present: Town Administrator Michael Gilleberto, Assist Town Administrator Nina Nazarian, and Admin Assistant Therese Gay.

The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law. "Chairman Puleo read the following: "The following meeting is being recorded and broadcast through our local cable access channels on Comcast and Verizon FIOS. A recording of this meeting will also be available for viewing on our town's website - tyngsboroughma dot gov. Also, after instruction from the State Fire Marshall and the Tyngsborough Fire Chief, in the event of an emergency, there is an exit to my left and directly across from me, along the back wall."

1. 6:00 PM Open Meeting/Pledge of Allegiance/Board Introduction/Read Agenda

The Chairman opened the meeting followed by the Pledge of Allegiance; the introduction of the Board and the reading of the Agenda by Selectman Reault.

2. Meeting Minutes

A. Regular Session Meeting Minutes for Approval

1. Monday, September 23, 2013 – Regular Session

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Lambert to approve the Minutes of Monday September 23, 2013.

2. Monday, September 23, 2013 – Executive Session Approval/Not Release

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Lambert to approve and not release the Executive Session of Monday September 23, 2013.

B. Regular Session Meeting Minutes - Pending

1. Monday, October 7, 2013 – Regular Session

2. Monday, October 7, 2013 – Executive Session - Pending

The Board deferred action on these minutes until the Monday November 4, 2013 Meeting.

3. Citizen/Business Time – No one came forward this evening.

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

4. New Business

A. Snow/Ice Removal – Review 2013-2014 Program

The Town's FY13 requirements for insurance for Snow/Ice Removal Contractors was \$50,000.00 Property Damage Insurance and \$100,000.00 Bodily Injury Insurance. MIIA has made the below

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recommendations for insurance for Snow/Ice Removal Contractors. MIIA also stated that municipalities have the final decision if higher or lower limits are needed. Recommendations: Adding the Town as an Additional Insured for Snow Plowing Operations with General Liability: (\$1,000,000 Occurrence/\$3,000,000 General Aggregate) and Automobile Liability: \$1,000,00 Combined Single Limit. Understanding the initial challenges with Contractor participation in last year's winter season, any significant increases in the requirements would be expected to reduce participation. As a result, the Highway Department has surveyed 4 surrounding and nearby Towns to compare insurance requirements. Three out of the four of the Town's require bodily injury limits up to \$500,000.00; therefore the following recommendation is made:

Vote to raise the Town's requirements for insurance from \$50,000.00 for Property Damage Insurance and \$100,000.00/\$300,000.00 for bodily Injury (per person/per accident) Insurance as follows: 1) \$100,000.00 for Property Damage; 2) \$250,000.00/\$500,000.00 for Bodily Injury (per person/per accident) Insurance; and 3) add the requirements to list the Town as additional insured for Snow Plowing Operations. At this point, the recommendation is that the rates remain the same at \$52.00 per hour for a truck, \$60.00 per hour for a truck over 2.5 tons and \$70.00 per hour for a loader. Attached are the Snow Plowing Rules of Conduct and Service Agreement as proposed. The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to raise the Town's requirements for insurance from \$50,000.00 for Property Damage Insurance and \$100,000.00/\$300,000.00 for bodily Injury (per person/per accident) Insurance as follows: 1) \$100,000.00 for Property Damage; 2) \$250,000.00/\$500,000.00 for Bodily Injury (per person/per accident) Insurance; and 3) add the requirements to list the Town as additional insured for Snow Plowing Operations, as presented and recommended by the Town Administrator. The Board briefly discussed the Rules of Conduct and have asked the Administrator to review #1 which deals with the no drinking of alcohol while plowing, the Mass DoT Rules state not only on trucks but some time before and also have some wording to include recreational drugs, and #3 review the Administrator clarified that there is no additional expense the Contractors provide at their expense. There was also a mention about the safety beacon should rotate 360 degrees.

5. Old Business

A. Paramedic/Ambulance Agreement and Service Zone Plan approval

Over the course of the past summer, through the efforts of the Fire Chief and the Administrator, the following attached documents are submitted for then Board's consideration. 1) the Service Zone, 2) the Town's EMS Advanced Life Support (ALS) agreement with Lowell General Hospital (LGH) for paramedics through June 30, 2014, 3) The attached Memorandum of understanding (MOU) for backup paramedics service between LGH, Trinity Ambulance and the Town. The Fire Chief and Captain Russell were present at the meeting to present the agreements and to clarify any questions the Board may have. After the discussion the Administrator made a recommendation, the Board considered the Administrator's recommendation and voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to approve the recommendation of the Town Administrator and the Fire Chief; 1) the Service Zone as presented to 2014, 2) the ALS Agreement with Lowell General Hospital to 2018 and 3) endorse the MOU between the Town, LGH, and Trinity, if necessary, and further votes to authorize the Town Administrator to execute the above agreements.

B. Town Offices Hours – Review/Discuss

The Board deferred this item to Monday November 4, 2013.

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C. MassDoT – Status Report/Discuss

The Board deferred this item to Monday November 4, 2013

D. Abandoned Buildings – Continue Discussion

The Administrator is asking the Board to limit the request for potential use of the abandoned buildings to the operational departments. The Board concurs with the Administrator.

6. Citizen/Business Time – No One came forward this evening.

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7. Correspondence

A list of correspondence will be included with approved meeting minutes per the requirements of the Massachusetts Open Meeting Law. Copies of correspondence may be requested from the Office of the Board of Selectmen.

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson for discussion to accept the correspondence. The Board reviewed and discussed the memo from the Police Chief on the scheduling of Trick or Treat on Thursday October 31, 2013. Because of the potential threat of EEE and with the absence of a hard frost, the Chief proposed that Trick or Treat be held on Sunday October 27th from 4PM – 5PM. After much discussion and the Board of Health endorsing the Department of Public Health's precautionary measures on any outside activity after 6PM; the Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Lambert to make a decision on Trick or Treat on October 31, 2013 as long as there is a hard frost and to decide in 1 week from today (Monday October 28, 2013) if there is no hard frost move the Trick or Treat to November 3 from 3PM to 4:30PM, along with the support of the Board of Health and the Police Department.

8. Review of Weekly Warrants

The Weekly Warrants read this week are as follows: Warrant #15B for \$1,141,366.90 on 10/07/2013; Warrant #15S for \$380,109.04 on 10/07/2013; Warrant # 15P for \$851,611.12 on 10/07/2013; Warrant #15B for \$190,348.33 on 10/15/2013; Warrant # 16B for \$190,348.33 on 10/15/2013; Warrant #17P for \$818,979.35 on 10/21/2013; Warrant #17S for \$229,339.15 on 10/21/2013; Warrant #17B for \$643,995.83 on 10/21/2013.

9. Town Administrator's Report

- Response to Selectmen's Requests

Attached is additional correspondence regarding the offer to sell land on the Merrimack River; we are nearly prepared to conduct a walkthrough of the property and the adjacent property (Le Torneau University).

With the conclusion of the Roadway Reconstruction of Independence Drive, Ridge Road, and Trinity Drive approaching, we have begun drafting a 5-Year Plan for the expenditure of Chapter 90 funding and expect to provide the Board with a report at its next meeting.

- Budget

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- Departmental Information

Attached is the MassDoT approval to use Chapter 90 funding for a review of the intersection of Lakeview Avenue at Coburn Road intersection.

- Contracting/Procurement

Attached are copies of the executed agreements for Intersection Safety and Operations Assessments of the intersections of Westford Road at Dunstable Road and Lakeview Avenue and Coburn Road. The removal of the surplus supplies at the Winslow School began on Tuesday, October 15th and was completed on Wednesday October 16th. A walk through of the building with the removal contractor was completed by the Assistant Town Administrator to ensure that the contracted services were executed as agreed.

The Town's architect for the Town Buildings Master Plan, Drummey Rosane Anderson, Inc. (DRA) will begin work on Wednesday, October 23rd by visiting and measuring several of the buildings identified in the Town's Request for Qualifications.

- Other

From this past Tuesday's Trash Collection, we have received more calls and complaints from residents in comparison to the past several weeks. Attached is a copy of one complaint.

10. Selectmen's Reports

Selectman Reault – The Eagle has landed, the gold eagle weather vane was placed on the Old Town Hall Cupola on Friday morning. The Weather Vane was donated by the Bicentennial Committee.

Selectman Puleo – Read the flyer for the Annual Fair and Tag Sale by the Council on Aging Seniors, good news on the proposed senior center as there has been a meeting to discuss the new center, the Council will prepare questions and the Board is also asked to supply questions for comments for the Monday November 4th meeting or the November 18th meeting with the contractor.

Selectman Jackson – wished everyone a Happy Halloween.

Selectman Lambert – Pictures of the Weather Vane are posted on the Town's website for all to see and enjoy. The Board prepared breakfast for the Seniors, all had a good time and a thank you to the Highway on their efforts in keeping the center of town clean and in keeping the roads in good conditions.

11. Executive Session

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Lambert to enter into Executive Session to discuss the following :

- A. Exemption Three – To discuss strategy with respect to collective bargaining and litigation because an open meeting may have a detrimental effect on the bargaining and litigation position of the Board, and the Chair so declares –Clerical Union; Mid-Managers Union; Police Union
- B. Exemption Six – To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body

and to exit executive session only to adjourn. Roll Call Vote: Selectman Rick Reault, yes; Selectwoman Karyn Puleo, yes; Selectman Robert Jackson, yes; Selectman Curseaden, yes; Selectman Corliss Lambert, yes. The Board entered into Executive Session at 7:15PM.

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12. Adjournment

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Lambert to adjourn the meeting at 8:05PM.

Respectfully submitted

Therese Gay
Admin Assistant

Approved on: Monday November 4, 2013

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Correspondence - Monday October 21, 2013

[illegible]



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3. Citizen/Business Time

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4. New Business

- A. Snow/Ice Removal – Review 2013-2014 Program

5. Old Business

- A. Paramedic/Ambulance Agreement and Service Zone Plan approval
- B. Town Offices Hours – Review/Discuss
- C. MassDoT – Status Report/Discuss
- D. Abandoned Buildings – Continue Discussion

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8. Review of Weekly Warrants

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- Response to Selectmen's Requests
- Budget
- Departmental Information
- Contracting/Procurement
- Other

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- B. Exemption Six – To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body

12. Adjournment

Future Meetings

Monday, November 4th, 2013 at 6:00 PM at Tyngsborough Town Offices, 25 Bryants Lane

Monday, November 18th, 2013 at 6:00 PM at Tyngsborough Town Offices, 25 Bryants Lane

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